

PART 2 B COMMITTEES – TERMS OF REFERENCE

AUDIT, STANDARDS & GENERAL PURPOSES COMMITTEE

Explanatory Note

The audit functions of this Committee relate to the Council's arrangements for the discharge of its powers and duties in connection with financial governance and stewardship, risk management and audit. It plays a key role in acting as a critical friend to the Council and in helping to build trust in the Council's arrangements. The Committee receives referrals from and makes recommendations to the Council, from/to Cabinet, to Officers or to other relevant body within the Council.

The Standards functions of this Committee seek to ensure that the Members, Co-opted Members and Officers of the Council observe high ethical standards in performing their duties. These functions include advising the Council on its Codes of Conduct and administering related complaints and dispensation procedures.

The Committee is also empowered to act in relation to all non-executive functions which are not expressly delegated to another Committee or Sub-Committee.

The Committee through its Employment Sub-Committee discharges those personnel functions which by virtue of The Local Authorities (Standing Orders) (England) Regulations 2001 cannot be discharged by the Head of Paid Service.

In addition to the Members who serve on the Audit, Standards & General Purposes Committee, the Committee includes at least two independent persons who are not Members. They are appointed under Chapter 7 of the Localism Act, or otherwise co-opted, and act in an advisory capacity with no voting powers.

In the terms of reference of this Committee, a "Member" is an elected Member and a "Co-opted Member" is a person co-opted by the Council, for example to advise or assist a Committee or Sub-Committee of the Council.

General Audit and Standards Delegated Functions

- 1.1 To review such parts of the Constitution as may be referred to the Committee and to make recommendations to the Council.
- 1.2 To appoint, co-opt or (in any case where only the Council has power) to recommend the appointment or co-option of a minimum of two independent persons:

- to give general assistance to the Committee in the exercise of its functions; and
 - to give views on allegations of failure to comply with a Code of Conduct as required by Chapter 7 of the Localism Act 2011.
- 1.3 To review and agree the Council's whistleblowing policy;
 - 1.4 To have an overview of complaints handling and Local Ombudsman investigations;
 - 1.5 To review and agree activity, policy and guidance in relation to the Regulation of Investigatory Powers Act 2000.
 - 1.6 To deal with any audit or ethical standards issues which may arise in relation to partnership working, Joint Committees and other Local Authorities or bodies.
 - 1.7 To oversee the Council's information governance arrangements*. This will include oversight of those of the Council's policies, procedures and processes which concern information governance and which operate across the Council's internal and external-facing activities.
 - 1.8 To ensure arrangements are made for the training and development of Members, Co-opted Members and Officers on audit, ethical and probity matters, including Code of Conduct issues.
 - 1.9 To support and advise the Chief Finance Officer and the Monitoring Officer in their statutory roles.

Delegated Audit Functions

- 1.10 To carry out independent scrutiny and examination of the Council's financial and non-financial processes, procedures and practices to the extent that they affect the Council's control environment and exposure to risk, with a view to providing assurance on the adequacy and effectiveness of:
 - the work of internal and external audit;
 - the governance arrangements of the Council and its services;
 - the risk management and performance management frameworks and the associated control environment;
 - the arrangements to secure value for money;
 - the financial management process;
 - arrangements for the prevention and detection of fraud and corruption.
- 1.11 To meet the requirements of the Accounts and Audit Regulations 2015 in respect of:

- conducting an annual review of the effectiveness of the system of internal control;
 - conducting an annual review of the effectiveness of internal audit;
 - reviewing the outcome of annual review of governance arrangements and approving the Annual Governance Statement, ensuring it contains any actions for improvement; and
 - considering and approving the Council's annual Statement of Accounts.
- 1.12 To consider the External Auditor's Annual Audit Plan, Audit Results Report, Annual Audit Letter and other relevant reports.
- 1.13 To consider and agree the Internal Strategy and Annual Audit Plan, Head of Internal Audit's Annual Internal Audit Report including Opinion, periodic progress reports and other relevant internal audit reports.
- 1.14 To consider and agree the Head of Internal Audit's Annual Fraud & Corruption Report and consider and approve the Council's Counter Fraud Strategy.

Delegated Standards Functions

- 1.15 To advise the Council on the adoption, revision or replacement of Codes of Conduct for (a) Members and Co-opted Members and (b) Officers;
- 1.16 To exercise all other functions of the Council in relation to ethical standards, in particular those under Chapter 7 of the Localism Act, including the following:
- promoting and maintaining high standards of conduct within the Council and monitoring the operations of the Council's Codes of Conduct and registers of interests;
 - in relation to allegations that a Member or Co-opted Member has failed to comply with the Member's Code of Conduct, putting in place arrangements to investigate and make decisions;
 - supporting the Monitoring Officer in the exercise of the Monitoring Officer's ethical standards functions, in particular the duty to establish and maintain registers of interests for the Council and for Rottingdean Parish Council;
 - in relation to Members or Co-opted Members with pecuniary interests, putting in place arrangements to grant dispensations, in appropriate cases, from the restrictions on speaking and/or voting.

NOTE: With the exception of the adoption, revision or replacement of the Codes of Conduct referred to above, the Audit, Standards & General Purposes Committee may develop and adopt its own procedures and protocols.

Members' Allowances

- 1.17 To consider the recommendations of the Independent Remuneration Panel and advise the Council as appropriate

Non-Executive Functions

- 1.18 To exercise all non-executive functions that are not specifically delegated to another Committee or Sub-Committee of the Council.

STANDARDS HEARING SUB-COMMITTEE

Explanatory Note

The Standards Hearings Sub-Committee is a Sub-Committee of the Audit, Standards & General Purposes Committee. The main role of the Standards Hearing Sub-Committee is to carry out any functions delegated to it by the Audit, Standards & General Purposes Committee in relation to (a) allegations that Members or Co-opted Members have breached the Code of Conduct for Members and (b) the granting of dispensations to Members or Co-opted Members with pecuniary interests. Panel membership is determined in accordance with procedures approved by the Audit, Standards & General Purposes Committee.

Delegated Functions

In accordance with procedures approved by the Audit, Standards & General Purposes Committee:-

- 1.1 To carry out any arrangements delegated to the Panel by the Audit, Standards & General Purposes Committee in connection with investigating and making decisions on allegations that a Member or Co-opted Member has failed to comply with the Code of Conduct.
- 1.2 To hear and determine applications from Members or Co-opted Members with pecuniary interests and in appropriate cases to grant dispensations from the restrictions on speaking and/or voting at meetings of the Council, the Cabinet, Committees, Sub-Committees, Joint Committees or Joint Sub-Committees.
- 1.3 To discharge any of other functions of the Audit, Standards and General Purposes Committee which the Committee delegates to the Standards Hearing Sub-Committee.

EMPLOYMENT SUB-COMMITTEE

Explanatory Note

The Audit, Standards and General Purposes Committee through its Employment Sub-Committee discharges those personnel functions which by virtue of The Local Authorities (Standing Orders) (England) Regulations 2001 cannot be discharged by the Head of Paid Service.

Delegated functions

The Sub-Committee will comprise 3 Members of Audit, Standards and General Purposes Committee and 1 Cabinet Member, together with such other independent members as are required to satisfy the requirements of the 2001 Regulations.

To discharge the following functions:-

- 1.1 To determine the dismissal of any non-statutory Chief Officer except in cases of redundancy, permanent ill health or the expiry of a fixed term contract;
- 1.2 To consider whether to impose a disciplinary sanction on a non-statutory Chief Officer;
- 1.3 To make recommendations to the Council on matters relating to the dismissal of the chief finance officer, head of the authority's paid service or monitoring officer except in cases of redundancy, permanent ill health or the expiry of a fixed term contract;
- 1.4 To consider matters and take action as required or permitted under the Model Disciplinary Procedure for the Head of Paid Service, Chief Finance Officer and Monitoring Officer including:
 - to suspend such an officer and to review such suspension
 - to appoint an independent investigator, agree terms of remuneration and working methods
 - to appoint external advisers
 - to consider the report of an independent investigator and in relation to that report:
 - to hold a hearing if appropriate to consider the report
 - to impose action short of dismissal on an officer
 - to decide to take no further action
 - to recommend informal resolution or other appropriate procedures

- to refer back to the independent investigator for further investigation and report to propose dismissal of an officer to Council (in which case the matter should be referred to an Independent Panel prior to referral to Council)
- 1.5 To consider grievances by the Head of Paid Service, and appeals by a Chief Officer against decisions made by the Head of Paid Service in relation to a grievance made by the officer;
 - 1.6 Such other functions as are required to be discharged by a Committee of the Authority pursuant to the 2001 Regulations.

PERSONNEL APPEALS PANEL

NOTE: THIS PANEL WILL CEASE TO OPERATE pursuant to the decision of the [Strategy, Finance and City Regeneration Committee 25th January 2024](#). The Panel will cease to operate when all appeals relating to a dismissal decision taken up to 2nd August 2024 have been determined.

Explanatory Note

This Panel has the status of a Sub-Committee of Audit, Standards & General Purposes Sub-Committee and will deal with appeals against dismissals, grading and other grievances in accordance with agreed personnel procedures.

Delegated Functions

1. To exercise the function of the Council in relation to determining appeals against dismissals, grading and other personnel related grievances in accordance with corporate policies and procedures.

NOTE: a pool of trained Members will be maintained for this Sub-Committee and members of the pool will be called on in the first instance to form an appeals panel. However, any Member will be able to sit on the Personnel Appeals Panel and substitute for any designated member of the Sub-Committee.